

Board of Directors

Lisa Byer
President
CAT-TV Bennington

Kevin Christopher
Vice President
LCATV Colchester

Elizabeth Malone
Secretary
NWPEGTV-St. Albans

Seth Mobley
Treasurer
VCAM Burlington

Sam Conant
LCATV Colchester

Bob Franzoni
CATV-White River Jct

Tammie Reilly
GNAT-TV Manchester

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

August 7, 2013

Re: *In the Matter of Accessibility of User Interfaces, and Video Programming Guides and Menus, MB Docket No. 12-108, Notice of Proposed Rulemaking (FCC 13-77)*

Dear Commissioners:

The Vermont Access Network (VAN) submits this letter as a Reply Comment in the above-referenced rulemaking proceeding (NPRM).

VAN is a member organization, chartered in the State of Vermont, made up of the 26 Access Management Organizations (AMOs) that have been designated by those Multichannel Video Programming Distributors (MVPDs) that under Vermont Public Service Board Rules are required to provide PEG access channels and services through community entities, usually independent 501(c)(3) nonprofit organizations. By means of member dues, VAN provides technical assistance, program file sharing, best practices advisories and various other administrative support services to those nonprofit organizations.

For several years, VAN has been attempting to work with our dominant cable provider, Comcast, to meet its obligation under Condition 23(3) of its September 27, 2006 Certificate of Public Good that requires it to "allow PEG access groups to access Comcast's electronic programming guide and pay the fee so that the groups can have their schedules listed on that channel." The Vermont Public Service Board, the body that issued the CPG, recognized the importance of the ability of viewers to identify when particular programs are going to play, and therefore made it a condition of Comcast's license to serve Vermonters.

Unfortunately, neither our negotiations with Comcast, nor individual PEG Access contract negotiations between several of our AMOs and Comcast, have so far yielded any access to Comcast's EPG. With the assistance of the Vermont Public Service Department, VAN continues to work to compel Comcast to meet its regulatory obligation in this matter, but now that it's a matter of federal law, we hope the FCC will provide additional impetus.

Over the past few years, several VAN members have conducted surveys, and these AMOs have determined that the Number One feature that community members need (out of more than 10 suggested) is the ability to know which programs are on, and at what time. The EPG is the default and preferred mode of delivery for that information.

Several VAN members are filing Reply Comments in this Docket and will speak for themselves; however, as a communication nexus of our members' experiences and needs, VAN can verify that the hearing- and visually-impaired residents of our State are being shut out of much of our members' rich array of diverse and hyper-local programming for the lack of EPG listings. For what better and more convenient way could a hearing-impaired viewer know whether a local program were Closed Captioned than with the program's name and descriptive information visible on the electronic program guide?

VAN heartily agrees with several Commenters in this Docket, namely Montgomery County Maryland, the Alliance for Community Media, the Alliance for Communications Democracy and others, that have strongly urged the Commission to require that cable operators (*i.e.* MVPDs) provide programming description of PEG programming in their electronic program guides similar to that which they make available in their EPGs to other programming channels. And that would include closed-captioning notifications. Not only would the hearing-impaired be able to read about their programming choices—regardless of whether or not the program were closed-captioned—but also would the visually-impaired be able to use their audible text reading devices to hear about those same programming choices.¹

Locally-produced closed captioned programs, as well as closed-captioned “free-to-air” satellite programming selected for play by AMOs on their PEG channels to meet community needs, are often more compelling and of greater personal utility than much of the mass-produced commercial programming available on the mass market. Civic engagement relies on an informed citizenry not only on the national level but on the most local of levels, and we do not believe that being visually and hearing-impaired should handicap someone because an MVPD ignores its civic and legal responsibility to provide PEG Access program listings in its EPG, along with program description and closed-captioning notifications.

Thank you for this opportunity to submit these Reply Comments.

Lisa Byer
President, VAN
--and--
Executive Director
Catamount Access Television, Inc.
Bennington, Vermont

¹ On this latter issue, please note that much of our local PEG access programming is made up of municipal and school meetings that rely more on the spoken word than the visual. And although it is cost-prohibitive for our AMO members and these public bodies to close-caption these meetings, and the deaf would not experience any benefit in this particular case, the visually-impaired would benefit from knowing when the meetings and their replays have been scheduled.